

IN THE CIRCUIT COURT OF THE NINETEENTH CIRCUIT IN AND FOR INDIAN RIVER,  
MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES, STATE OF FLORIDA

**ADMINISTRATIVE ORDER 2023-01**

**(Superseding and vacating A.O. 06-03)**

**IN RE: JUDICIAL ALLOTTED LEAVE**

**WHEREAS**, the Judicial Administration Section of the Conference of Circuit Judges has reviewed the leave practices in existence in other judicial branches throughout the United States; and

**WHEREAS**, the American Bar Association's National Conference of Special Court Judges has previously recommended criteria for sound leave policies to include no less than 21 and no more than 30 working days of vacation leave per year; and

**WHEREAS**, judicial officers, unlike state employees, cannot accumulate annual and sick leave for compensated leave payout at the termination of service; and

**WHEREAS**, judicial officers are considered to be available for duty twenty-four hours a day and are often required to serve on weekends and after hours without compensatory time; and

**WHEREAS**, allotted leave assures that judges have sufficient time away from the bench to maintain good health and effectiveness and to permit time for rejuvenation and renewal; and

**WHEREAS**, establishment of the following allotted leave policy ensures that judges are accountable for the time they are away from the bench while simultaneously emphasizing that some leave time is in the best interests of a properly functioning judiciary; and

**WHEREAS**, allotted leave does not encompass sick leave, educational leave, military leave, leave to serve on court committees, or other leave in the furtherance of justice; and

**WHEREAS**, all judges are expected to participate - as both faculty and students - in approved continuing judicial education programs; and

**WHEREAS**, judges are also encouraged as part of their regular judicial responsibilities to participate in professional meetings and conferences that advance the administration of justice or the public's understanding of the judicial system, to serve on commissions and committees of state and national organizations that contribute to the improvement of the law or the administration of justice, and to serve on Supreme Court-appointed or intra-circuit assignments or committees; and

**WHEREAS**, a judicial office is a public office rather than an employment status, and therefore the establishment of an allotted leave policy cannot be required by law and is entirely voluntary on the part of the State Court System; and

**WHEREAS**, this administrative order is entered in accordance with the Chief Judge's duties and responsibilities as set forth in Article V, section 2, Florida Constitution and Rule of General Practice and Judicial Administration 2.050, it is therefore

**ORDERED:**

1. Circuit court and county court judges are expected to take no more than 30 working days of allotted leave. For the purposes of this administrative order, "allotted leave" means "time away from judicial duties to provide opportunities for rest, relaxation and personal pursuits." Allotted leave does not encompass sick leave, educational leave, military leave, leave to serve on court committees or other leave in the furtherance of justice. The taking of allotted leave shall not interfere with the efficient administration of a judicial officer's docket.

2. Judicial officers are to notify the Chief Judge of any contemplated extended absence from the court. An extended absence means an absence of more than five (5) business days. Such notification shall include the dates to be absent and the reason therefore.

3. All judges are constitutional officers and public servants. As such, each judge shall self-report allotted leave by maintaining within their office an accurate record of leave time taken. Such records shall be available for inspection by the Chief Judge or his/her designee.

4. Unused allotted leave does not accrue from year to year. No judge shall be entitled to be paid for those hours of allotted leave not taken within a calendar year.

5. Nothing herein prevents a Chief Judge, upon good cause shown on a case-by-case basis, from allowing allotted leave in excess of 30 working days.

**DONE AND ORDERED** this 5th day of April 2023 in quadruplicate in St. Lucie County, Florida.



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Charles A. Schwab  
Chief Judge